

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03 MDL 1570 (GBD) (FM) ECF Case
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This document relates to:

Ashton et al. v. al Qaeda Islamic Army, et al., 02-cv-6977 (GBD)(SN)
Bauer et al. v. al Qaeda Islamic Army, et al., 02-cv-7236 (GBD)(SN)

DOROTHEA M. CAPONE, Esq., hereby states under penalty of perjury that:

1. I am an attorney representing the *Bauer* Plaintiffs in the above-captioned litigation, and I submit this Declaration in support of the motion for final judgment filed by the *Bauer III* Plaintiffs identified in Exhibit A. In addition to seeking final judgments on behalf of these specific Plaintiffs, I also request that the Court grant my firm permission to move for the same relief for other *Bauer* Plaintiffs at a later date.

2. The source of my information and the basis for my belief in my statements contained herein are my personal involvement in this matter for more than 17 years, my firm's representation of the *Bauer III* Plaintiffs listed in Exhibit A in connection with the September 11th Terrorist Attacks litigation, other court records relating to the multi-district litigation to which the *Bauer III* Plaintiffs are parties, reviews of personal employment and tax records for each of the decedents identified in Exhibit A, and conversations with family members of the *Bauer III* Plaintiffs. Any matters about which I lack personal knowledge are asserted herein upon information and belief.

3. All of the decedents listed in Exhibit A died in the September 11, 2001 terror attacks.

4. To assist in litigation, my firm previously retained the services of economic experts from Sobel Tinari Economics Group and obtained summaries prepared by individual employers of the decedents to calculate the economic losses suffered by the families of each of decedents listed in Exhibit A.

5. To update the economic loss figures for the purposes of this motion, I contacted the same experts, specifically Kristin Kucsma, Managing Director and Senior Economist and Kenneth T. Betz, and provided information to them for using in updating the economic losses to present value.

6. Ms. Kucsma earned her undergraduate degree in Economics from Seton Hall University, graduating summa cum laude, a Masters Degree in Economics from Rutgers University, and she completed all but her dissertation towards a Ph.D., also at Rutgers University. She has served as an Adjunct Lecturer and as Instructor in the field of Economics at Seton Hall University, Drew University, St. Peter's College, and Rutgers University, and has also authored numerous articles. Ms. Kucsma is nationally recognized for her work, and is a frequent lecturer in economic issues around the country. She has testified dozens of times before the Special Masters responsible for preparing awards through the September 11th Victim Compensation Fund and the Zadroga Act program.

Mr. Betz received his B.S. in Economics, an MBA in Finance, and a Masters in Financial Economics from Fairleigh Dickinson University. Since 2011, he has worked as a practicing economist at Sobel Tinari Economics Group, following a career spent teaching economics and finance at the Silberman College of Business at Fairleigh Dickinson University. Specifics

pertaining to the qualifications of Ms. Kucsma and Mr. Betz are attached as part of Exhibit C to this Declaration.

7. Ms. Kucsma, Mr. Betz and their expert team at Sobel Tinari Economics Group have updated the present value of the economic losses for each of the *Bauer III* decedents' estates. Copies of their reports are attached as Exhibit B to this Declaration.

8. The economic loss figures included in the table attached as Exhibit A represent the present value (based on the calculations attached in Exhibit B¹) of the economic losses calculated by Sobel Tinari Economics Group in connection with the litigation arising out of the wrongful death of each decedent listed in Exhibit A.

9. The *Bauer III* Plaintiffs have not previously requested the within relief being sought here.

10. Our firm is in the process of obtaining economic loss valuations for the remaining *Bauer* Plaintiffs and will submit future motions for judgments for these losses to this Court in accordance with its December 6, 2019 Order as that information becomes available.

Dated: January 3, 2020
New York, NY



Dorothea M. Capone

¹ The individual expert economic reports for the *Bauer III* Plaintiffs identified in Exhibit A are being provided under seal to the Court, and will be sent via Federal Express for receipt on January 6, 2019.